

Daily Digest

HIGHLIGHTS

Senate passed H.J. Res. 76, Continuing Appropriations.

House agreed to the conference report on H.R. 1588, National Defense Authorization for FY 2004.

Senate

Chamber Action

Routine Proceedings, pages S14227–S14283

Measures Introduced: Two bills and two resolutions were introduced, as follows: S. 1839–1840, S. Res. 263, and S. Con. Res. 79. **Page S14271**

Measures Reported:

Report to accompany S.J. Res. 1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims. (S. Rept. No. 108–191)

S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, with an amendment in the nature of a substitute. (S. Rept. No. 108–192)

S. Res. 237, welcoming the public apologies issued by the President of Serbia and Montenegro and the President of the Republic of Croatia and urging other leaders in the region to perform similar concrete acts of reconciliation.

S. Res. 256, observing the 50th anniversary of the Mutual Defense Treaty between the United States and the Republic of Korea, affirming the deep cooperation and friendship between the people of the United States and the people of the Republic of Korea, and thanking the Republic of Korea for its contributions to the global war on terrorism and to the stabilization and reconstruction of Afghanistan and Iraq.

S. Res. 258, expressing the sense of the Senate on the arrest of Mikhail B. Khodorkovsky by the Russian Federation.

S. 1317, to amend the American Servicemember's Protection Act of 2002 to provide clarification with

respect to the eligibility of certain countries for United States military assistance. **Page S14270**

Measures Passed:

Continuing Appropriations: Senate passed H.J. Res. 76, making further continuing appropriations for the fiscal year 2004, clearing the measure for the President. **Page S14228**

Blackwater National Wildlife Refuge Expansion Act: Senate passed H.R. 274, to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge, clearing the measure for the President. **Page S14279**

Internet Tax Non-Discrimination Act: Senate continued consideration of S. 150, to make permanent the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce imposed by the Internet Tax Freedom Act, taking action on the following amendments proposed thereto: **Pages S14228–44**

Pending:

McCain Amendment No. 2136, in the nature of a substitute. **Pages S14228–38**

Stabenow Amendment No. 2141 (to Amendment No. 2136), to express the sense of the Senate that the White House and all Executive Branch agencies should respond promptly and completely to all requests by Members of Congress of both parties for information about public expenditures. **Pages S14238–44**

Commerce/Justice/State/The Judiciary Appropriations Act—Agreement: A unanimous-consent agreement was reached providing that at 1 p.m., on Monday, November 10, 2003, Senate will begin consideration of H.R. 2799, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2004. **Page S14244**

Animal Drug User Fee Act: Senate concurred in the amendment of the House to S. 313, to amend the Federal Food, Drug, and Cosmetic Act to establish a program of fees relating to animal drugs, clearing the measure. **Pages S14279–82**

Executive Session—Agreement: A unanimous-consent agreement was reached providing that during an executive session on Wednesday, November 12, 2003, each hour beginning on the hour of executive session be equally divided between the Majority Leader and the Democratic Leader, or their designees; and that any time not used by either side during the designated hour be given to the other side of the aisle. **Pages S14282–83**

Nominations Confirmed: Senate confirmed the following nominations:

Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2007.

Suede G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission for the remainder of the term expiring June 30, 2004. **Page S14283**

Nominations Received: Senate received the following nominations:

Kiron Kanina Skinner, of Pennsylvania, to be a Member of the National Security Education Board for a term of four years.

Steven J. Law, of the District of Columbia, to be Deputy Secretary of Labor.

J. Robinson West, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2007. **Page S14283**

Messages From the House: **Page S14269**

Measures Referred: **Page S14269**

Measures Placed on Calendar: **Page S14269**

Additional Cosponsors: **Page S14271**

Executive Communications: **Pages S14269–70**

Executive Reports of Committees: **Page S14270**

Statements on Introduced Bills/Resolutions: **Pages S14271–78**

Additional Statements: **Pages S14268–69**

Amendments Submitted: **Page S14278**

Notices of Hearings: **Pages S14278–79**

Authority for Committees to Meet: **Page S14279**

Privilege of the Floor: **Page S14279**

Adjournment: Senate met at 9:30 a.m., and adjourned at 3:55 p.m., until 1 p.m., on Monday, November 10, 2003. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S14283.)

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Measures Introduced: 9 public bills, H.R. 3476–3484; and 1 resolution, H. Con. Res. 323, were introduced. **Page H11133**

Additional Cosponsors: **Pages H11133–34**

Reports Filed: Reports were filed today as follows:

H.R. 3209, to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project (H. Rept. 108–356); and

Conference report on H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004 (H. Rept. 108–357). **Pages H11010–H11118, H11132**

Speaker: Read a letter from the Speaker wherein he appointed Representative LaTourette to act as Speaker Pro Tempore for today. **Page H10981**

National Defense Reauthorization Conference Report: The House agreed to the conference report on H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces by a yeas-and-nays vote of 362 yeas to 40 nays with two voting "present", Roll No. 617, after rejecting the Marshall motion to recommit the bill to the conference committee with instructions to include provisions that maximize the number of persons eligible for full concurrent receipt of military retired pay and veterans disability compensation by a yeas-and-nays vote of 188 yeas to 217 nays, Roll No. 616. **Pages H10982–H11008**

Agreed to H. Res. 437, the rule providing for consideration of the conference report, by a voice vote.

Energy Policy Act of 2003—Motion to Instruct Conferees: The House rejected the Filner motion to instruct conferees on H.R. 6, to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, by a yea-and-nay vote of 188 yeas to 210 nays, Roll No. 618. **Pages H11008–09**

Medicare Prescription Drug and Modernization Act of 2003—Motion to Instruct Conferees: The House rejected the Cardoza motion to instruct conferees on H.R. 1, to amend title XVIII of the Social Security Act to provide for a voluntary prescription drug benefit under the Medicare program and to strengthen and improve the Medicare program, by a yea-and-nay vote of 184 yeas to 207 nays, Roll No. 619. **Pages H11009–10**

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at noon on Monday, November 10, and further that when it adjourn on that day, it adjourn to meet at 2 p.m. on Wednesday, November 12. **Page H11121**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, November 12. **Page H11121**

Official Objectors for the 108th Congress: On behalf of the Majority and Minority leadership, the Chair announced the following Official Objectors for the Private Calendar for the 108th Congress: Representatives Coble, Chabot, and Blackburn for the Majority and Representatives Boucher, Schiff and Grijalva for the Minority. **Pages H11121–22**

Senate Message: Messages received from the Senate today appear on pages H11118-19.

Senate Referrals: S. 1066 and S. 1663 were referred to the Committee on Resources; S. 1643 was referred to the Committees on Resources and Financial Services. **Page H11130**

Adjournment: The House met at 9 a.m. and adjourned at 1:53 p.m.

Committee Meetings

No committee meetings were held.

Joint Meetings

OCTOBER EMPLOYMENT

Joint Economic Committee: Committee concluded a hearing to examine the current employment-unemployment situation for October 2003, focusing on nonfarm payroll employment, and productivity and

economic growth, after receiving testimony from Kathleen P. Utgoff, Commissioner, Bureau of Labor Statistics, Department of Labor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1249)

H.R. 3289, making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004. Signed on November 6, 2003. (Public Law 108–106).

CONGRESSIONAL PROGRAM AHEAD

Week of November 10 through November 15, 2003

Senate Chamber

On *Monday* at 1 p.m., Senate will begin consideration of H.R. 2799, Commerce, Justice, State, and The Judiciary Appropriations Act.

On *Wednesday*, Senate will proceed to Executive Session to begin debate on judicial nominations.

During the balance of the week, Senate is expected to resume consideration of S. 150, Internet Tax Non-discrimination Act, and may consider any other cleared legislative and executive business, including appropriation bills, conference reports and certain nominations, when available.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Armed Services: November 12, Subcommittee on Strategic Forces, to hold hearings to examine space acquisition policies and processes, 10 a.m., SR–222.

November 13, Full Committee, to hold hearings to examine current Army issues, 9:30 a.m., SH–216.

Committee on Banking, Housing, and Urban Affairs: November 12, Subcommittee on Securities and Investment, to hold hearings to examine the Financial Accounting Standards Board and small business growth, 2 p.m., SD–538.

November 13, Full Committee, to resume hearings to examine proposals for improving the regulation of the Housing Government Sponsored Enterprises, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: November 12, to hold hearings to examine state use of tobacco settlement funds, 9:30 a.m., SR-253.

November 12, Full Committee, business meeting, to consider pending calendar business, time to be announced, S-216.

November 13, Full Committee, to hold hearings to examine GAO's report on cable rate increases, 9:30 a.m., SR-253.

Committee on Energy and Natural Resources: November 13, Subcommittee on Water and Power, to hold hearings to examine S. 1085, to provide for a Bureau of Reclamation program to assist states and local communities in evaluating and developing rural and small community water supply systems, S. 1732, to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe, affordable, and reliable water supply to rural residents, S. 1211, to further the purposes of title XVI of the Reclamation Projects Authorization and Adjustment Act of 1992, the "Reclamation Wastewater and Groundwater Study and Facilities Act", by directing the Secretary of the Interior to undertake a demonstration program for water reclamation in the Tularosa Basin of New Mexico, S. 1727, to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978, and S. 1791, to amend the Lease Lot Conveyance Act of 2002 to provide that the amounts received by the United States under that Act shall be deposited in the reclamation fund, 2:30 p.m., SD-366.

November 14, Full Committee, to hold oversight hearings to examine the implementation of the Energy Employees Occupational Illness Compensation Program, 10 a.m., SD-366.

Committee on Environment and Public Works: November 12, business meeting to consider S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, 9:30 a.m., SD-406.

Committee on Governmental Affairs: November 12, to hold hearings to examine the nomination of Scott J. Bloch, of Kansas, to be Special Counsel, Office of Special Counsel; to be immediately followed by a hearing on S. 1358, to amend chapter 23 of title 5, United States Code, to clarify the disclosure of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that

such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, 2 p.m., SD-342.

November 13, Full Committee, to hold hearings to examine sources of past and present support for terrorist forces in Afghanistan relating to terrorism financing, 9:30 a.m., SD-342.

Committee on Indian Affairs: November 13, business meeting to consider pending calendar business, 10 a.m., SR-485.

Committee on the Judiciary: November 12, to hold hearings to examine judicial and executive nominations, 10 a.m., SD-226.

November 13, Subcommittee on Immigration, Border Security and Citizenship, to hold hearings to examine state and local authority to enforce immigration law relating to terrorism, 2 p.m., SD-226.

House Chamber

The House is in pro forma Monday.

House Committees

Committee on Government Reform: November 13, Subcommittee on Human Rights and Wellness, hearing entitled "Preventing Another SV40 Tragedy: Are Today's Vaccine Safety Protocols Effective?" 2 p.m., 2154 Rayburn.

Committee on the Judiciary, November 13, Subcommittee on Crime, Terrorism, and Homeland Security, oversight hearing on "Homeland Security—the Balance Between Crisis and Consequence Management through Training and Assistance," including discussion of the following bills: H.R. 2512, First Responders Funding Reform Act of 2003; H.R. 3266, Faster and Smarter Funding for First Responders Act of 2003; and H.R. 3158, Preparing America to Respond Effectively Act of 2003, 2 p.m., 2141 Rayburn.

Committee on Transportation and Infrastructure, November 13, Subcommittee on Water Resources and Environment, oversight hearing on Financing Port Infrastructure—Who Should Pay? 10 a.m., 2167 Rayburn.

Committee on Ways and Means, November 13, Subcommittee on Human Resources, hearing on Improved Monitoring of Vulnerable Children, 10 a.m., B-318 Rayburn.

Next Meeting of the SENATE

1 p.m., Monday, November 10

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Monday, November 10

Senate Chamber

Program for Monday: Senate will begin consideration of H.R. 2799, Commerce, Justice, State, and The Judiciary Appropriations Act.

House Chamber

Program for Monday: Pro forma session.

Extensions of Remarks, as inserted in this issue

HOUSE

Berkley, Shelley, Nev., E2279
 Blackburn, Marsha, Tenn., E2281
 Bordallo, Madeleine Z., Guam, E2283
 Brown, Corrine, Fla., E2285
 Burton, Dan, Ind., E2284
 Case, Ed, Hawaii, E2284
 Cramer, Robert E. (Bud), Jr., Ala., E2280
 Chocola, Chris, Ind., E2274, E2278
 Davis, Danny K., Ill., E2279

Davis, Susan A., Calif., E2281
 DeGette, Diana, Colo., E2286
 DeLauro, Rosa L., Conn., E2285
 DeMint, Jim, S.C., E2284
 Diaz-Balart, Lincoln, Fla., E2275
 Emanuel, Rahm, Ill., E2273, E2278
 Harman, Jane, Calif., E2275
 Holt, Rush D., N.J., E2273, E2277, E2280, E2282
 Inslee, Jay, Wash., E2283
 Israel, Steve, N.Y., E2286
 Meek, Kendrick B., Fla., E2283

Moore, Dennis, Kansas, E2273, E2278
 Northup, Anne M., Ky., E2283
 Norton, Eleanor Holmes, D.C., E2274
 Porter, Jon C., Nev., E2281
 Shaw, E. Clay, Jr., Fla., E2280
 Stupak, Bart, Mich., E2284
 Udall, Tom, N.M., E2275
 Walden, Greg, Ore., E2286
 Young, Don, Alaska, E2282



Congressional Record

printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the Congressional Record is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through GPO Access at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at (202) 512-1661. Questions or comments regarding this database or GPO Access can be directed to the GPO Access User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1-888-293-6498 (toll-free), 202-512-1530 (D.C. area); Fax: 202-512-1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, \$217.00 for six months, \$434.00 per year, or purchased for \$6.00 per issue, payable in advance; microfiche edition, \$141.00 per year, or purchased for \$1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, or phone orders to (866) 512-1800 (toll free), (202) 512-1800 (D.C. Area), or fax to (202) 512-2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

POSTMASTER: Send address changes to the Superintendent of Documents, Congressional Record, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.